

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**6/6/2023**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
An Ordinance amending Section 3.33(1) of the Downer Grove Municipal Code concerning video gaming at fraternal and veteran organizations	Enza Petrarca Village Attorney

**SYNOPSIS**

An ordinance has been prepared to amend Section 3.33 of the Downers Grove Municipal Code to provide that it is no longer a violation of the Downers Grove Municipal Code for a qualified fraternal organization and a qualified veterans organization to operate video gaming terminals within the Village, consistent with Section 27(b) of the Illinois Video Gaming Act.

**STRATEGIC PLAN ALIGNMENT**

The strategic goals for 2021-2023 include *Exceptional Municipal Services*.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the June 13, 2023 active agenda.

**BACKGROUND**

The Illinois Video Gaming Act (the “Act”), adopted in 2009, allows video gaming only at establishments that have a liquor license for on premise consumption. The Act also allowed municipalities to adopt ordinance prohibiting video gaming within their corporate limits, which was done in 2009. Effective July 1, 2022, Section 27 of the Act was amended to specifically authorize certain fraternal organizations and veterans organizations to operate video gaming in municipalities that have enacted an ordinance prohibiting video gaming within the corporate limits. Only three organizations in the Village are eligible by right to have on premises video gaming under the amended section of the Act: the Moose, the VFW and the American Legion. Currently, Section 3.33(1) of the Downers Grove Municipal Code provides that video gaming is prohibited on any premises licensed to sell alcoholic liquor in the Village. An amendment to Section 3.33(1) removing the video gaming prohibition is required in order to allow fraternal and veteran organizations to operate video gaming.

**ATTACHMENTS**

Ordinance

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 3.33(1) OF THE  
DOWNERS GROVE MUNICIPAL CODE CONCERNING VIDEO GAMING  
AT FRATERNAL AND VETERAN ORGANIZATIONS**

WHEREAS, the Village of Downers Grove, DuPage County, Illinois, (“Village”) is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Illinois Video Gaming Act, 230 ILCS 40/1, et seq., regulates the operation, licensing, and administration of video gaming; and

WHEREAS, Section 27 of the Video Gaming Act authorizes the Village to prohibit, subject to certain exceptions, video gaming within the corporate limits of the Village; and

WHEREAS, the Village is authorized by Section 11-5-1 of the Illinois Municipal Code (65 ILCS 5/11-5-1) to suppress gaming and gambling houses; and

WHEREAS, the Village Council of the Village has determined that it is advisable, necessary and in the best interest of the Village to prohibit, consistent with the VGA, the operation of video gaming terminals within the Village;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows:

**Section 1.** The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**Section 2.** That Section 3.33 of the Downers Grove Municipal Code is hereby amended as follows (additions are indicated by redline/underline; deletions by ~~strikeout~~):

**Sec 3.33 Prohibited Activities On Licensed Premises**

- (a) Gambling. It shall be unlawful to permit any gambling or video gaming on any premises licensed to sell alcoholic liquor except:
- (1) In accordance with the provisions of DGMC Section 5.212.
  - (2) For a qualified fraternal organization that derives its charter from a national fraternal organization and a qualified veterans organization that derives its charter from a national veterans organization in accordance with the provisions of Section 27(b) of the Illinois Video Gaming Act.
- (b) Solicitation. It shall be unlawful for any licensee, its manager or other person in charge of any licensed premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ or permit the engagement or employment of any person, nor shall any person be permitted to remain on said premises, who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for said person, or any other person therein; nor shall any person, whether or not such person impersonates or presents the appearance of one of the opposite sex, and whether or not such person is an employee or entertainer, solicit any patron or customer therein to

purchase alcoholic or nonalcoholic liquor for himself or herself or any other person therein; provided, however, that nothing herein contained shall prohibit any manager, bartender or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager or waitress.

- (c) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit books, magazines, coin-operated motion picture devices, films, or movies depicting, describing or relating to the following kinds of conduct on such premises:
- (1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
  - (2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.
  - (3) The actual or simulated displaying of the breasts, pubic hair, anus, vulva or genitals.
- Provided, however, that Class "T" Theater liquor license holders shall be allowed to show motion pictures or films classified by the Motion Picture Industry as rated R or less.
- (d) It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit any entertainment, fashion show, presentation or performance which may include any person in a nude or semi-nude state, including, but not limited to, servers, hosts, hostesses, dancers, singers, models or other performance artists, or to permit role playing interactions.

(Ord. No. 2489, § 1; Ord. No. 2735, § 1.) (5803, Amended, 12/17/2019, 15.13 renumbered to 15.212 (gambling); Ord. 5681, Amended, 01/16/2018; Ord. 5413, Amended, 11/11/2014; Ord. 5385, Amended, 05/13/2014; Ord. 5136, Amended, 05/11/2010; Ord. 5101, Amended, 12/01/2009; Ord. 4768, Amended, 05/02/2006; Ord. 4608, Amended, 09/07/2004; 3572, Amended, 06/21/1993)

**Section 3.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 4.** That this ordinance shall be in full force an effect from and after its adoption in the manner provided by law.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk